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TAGS: [AMED](#) [TBIO](#) [SOCI](#) [JA](#)
SUBJECT: CORRECTED COPY - JAPAN: GETTING ORGANS IN FOREIGN COUNTRIES

REF: A)98 TOKYO 9778
B)99 TOKYO 3388
C)TOKYO 2688

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[1](#)1. This is a corrected copy of ref C.

[1](#)2. Summary. On April 21, a Ministry of Health, Labor and Welfare (MHLW) study group conducted a survey to study the number of Japanese citizens seeking organ transplants in foreign countries. The study revealed that at least 522 individuals had organ transplant operations done overseas. The actual number is likely underreported, because the study excluded cases where the individual died after having a liver or kidney transplant and only surveyed a limited number of medical institutions. The reasons behind the increased number of individuals having the procedure done abroad for a full range of organ transplants include a shortage of donors and long waiting periods, legal problems that make it difficult for children to receive organs, and the fact that many patients can now obtain medical information on organ donors through the Internet. There is concern that some patients may be purchasing their organs from unwilling donors such as prisoners and those who find themselves in dire straits. As a result, health professionals established a committee to look at the ethical issues behind receiving organs abroad. In order to increase the number of potential donors in Japan, members of the Liberal Democratic Party (LDP) and New Komeito submitted two amendment bills to the current Diet session. End Summary.

Survey Procedure

[1](#)3. A study group of the Ministry of Health, Labor and Welfare (MHLW) led by Professor Eiji Kobayashi of Jichi Medical University conducted the survey between January and March of this year. The team collected data on the number of patients who are undergoing medical treatment after having had an organ transplant operation done

abroad. The group limited its survey to Japanese medical institutions where member doctors of the Japan Society for Transplantation work. For heart transplants only, the group reported on all cases including those where the transplant recipient died. For other types of transplants, the report did not include cases where the organ recipient subsequently died. The survey covered 17 institutions for heart transplants, 123 institutions for liver transplants and 154 institutions for kidney transplants. The response rate was 100 percent, 97 percent, and 90 percent respectively.

Heart Transplants

¶4. The survey reported that 103 patients (64 males and 39 females) had heart transplant operations done in foreign countries between 1984 and 2005. Eighty-five patients had operations done in the U.S., followed by nine patients in Germany, seven patients in the UK, and one patient each in Canada and France. Eighteen deaths were also reported, but the survival rate five years after surgery was 70.3 percent, higher than most international rates. Thirty-two patients were younger than 10 years old, 22 patients were between the ages of 10-17, and 49 patients were 18 years of age or older. After Japan's organ transplant law took effect in 1997, the number of individuals undergoing surgery has been steadily increasing.

¶5. The first heart transplant operation in Japan took place in 1968, but ended in failure. This led to public discord over the definition of what constituted brain death. As a consequence, no heart transplant operations were carried out in Japan until the 1997 law took effect. During the same time period, only one to four Japanese

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were receiving operations abroad per year. Since 1999, however, the number of Japanese patients undergoing the surgery in both Japan and foreign countries has been on the rise.

¶6. Kobayashi writes in the report that many patients undergo heart transplant operations overseas because of the rigid organ transplant law and the shortage of donors in Japan. Other factors for the full range of organ recipients include the shortage of donors and long waiting periods, legal problems that make it difficult for children to receive organs, and the fact that many patients now can obtain medical information through the Internet on potential organ donors.

Liver Transplants

¶7. According to the survey, 2,982 patients are currently undergoing follow-up medical treatment in 83 Japanese medical institutions after having a liver transplant operation. Of the 2,982 patients, 221 individuals had a transplant operation done in a foreign county. The survey does not provide the exact breakdown of patients by country, but 20 medical institutions reported that they are treating liver-transplant recipients who had work done in Australia, 19 institutions reported that they had patients who had the procedure done in the U.S., and 14 institutes reported that their patients had traveled to China for the operation. The survey did not obtain information on cases involving death of the patient after the transplant.

Kidney Transplants

¶8. There are currently 8,297 patients who are undergoing medical treatment in 136 Japanese medical institutions after having a kidney transplant operation. Out of the 8,297 patients, 198 individuals had the transplant operation done abroad, according to the data provided by 63 institutions. Forty-eight medical institutions reported that their patients received their new kidneys in China, while 20 institutions reported the source as the Philippines. Eighteen institutions said that their patients had a transplant operation done in the U.S. The survey did not obtain information on cases involving death of the patient after the transplant.

Ethical Debates

¶9. On April 21, the Japan Society for Transplantation established a committee to consider the safety and ethics of receiving organ transplant operations in foreign countries. There is concern that some patients may be purchasing their organs from unwilling donors such as prisoners and those who find themselves in dire straits. For example Yuki Hasegawa of Toho University reported in an attached report that some in China feel that those on death row should pay for their crimes through organ donations, and in India, a kidney donation can support a family of four for ten years. A February 4 edition of the Asahi Newspaper devoted much space to the issue of organ donations by prisoners in China. The article quoted an interview with a senior PRC health official who admitted that more than 90 percent of the organs used for transplants were from prisoners sentenced to death. The Sankei Newspaper reported on a study conducted by Professor Tsuyosi Kuriya of Okayama University who also said that more than 90 percent of the organ donors in China were prisoners on death row.

Amendment of the Organ Transplant Law

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¶10. From 1997 (when Japan's new law took effect) to September 2005, only 41 transplants have taken place that used organs from brain-dead patients. As of February 2006, there were 85 heart patients, 119 lung patients, 109 liver patients and 12,112 patients needing new kidneys listed on the Japan Organ Transplant Network's official list of recipients awaiting transplants.

¶11. In order to increase the number of potential donors and help reduce the number of individuals waiting for organs, members of the Liberal Democratic Party (LDP) and New Komeito have submitted two amendments in the current Diet session. The current law requires donors to have a donor card that shows their willingness to donate their organs in addition to their family's consent. One of the proposed amendments will designate an individual as deceased if there is brain death and will allow organ donation with family consent, provided that the donor does not specify in his or her will that he or she does not want to donate their organs after death. The other amendment will keep the current definition of brain death as is, but will lower the age of donors from 15 years of age to 12. (Note: The current law does not define brain death as actual death. It provides that organs can be taken from a dead body including from the a body of a brain-dead person for the purpose of transplants, but under very strict conditions.) Because the Diet members drafting the changes could not reach an agreement on the definition of brain death, they submitted the two different amendments.